

Message Text

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CINCUSNAVEUR

CINCUSAFE

USMISSION NATO

USNMR SHAPE

USDELMC

C O N F I D E N T I A L SECTION 1 OF 2 ATHENS 7166

LIMDIS

E.O. 11652: GDS

TAGS: MARR, GR, US

SUBJECT: STATUS OF FORCES AGREEMENT (SOFA) SUBGROUP

1. SUMMARY: THE US-GREEK SOFA SUBGROUP RECONVENED AND MET ON 15,16 AND 17 SEPTEMBER WITH PROGRESS LIMITED TO EXAMINATION OF PREAMBLE AND FIRST ARTICLE OF US DRAFT. MILITARY TOURIST ISSUE AND DEFINITION OF CIVILIAN COMPONENT REMAIN UNRESOLVED. ALTERNATE TEXT OF US DRAFT ARTICLE I, PARA. 4 (CIVILIAN COMPONENT), PREPARED BY US DELEGATION AND SUBMITTED FOR DEPARTMENT/DOD CONSIDERATION. END SUMMARY

2. THE SOFA SUBGROUP COMPOSED OF LEGAL ADVISERS ECONOMIDES AND MARCHERITSAS, FOREIGN OFFICE REPRESENTATIVE CONSTAS AND AIR FORCE LTCOL ANDRIKOS ON THE GREEK SIDE AND CDR GRUNAWALT AND MR. PUGH ON THE US SIDE, MET ON 15, 16 AND 17 SEPTEMBER. PROGRESS HAS BEEN EXCEEDINGLY CONFIDENTIAL

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SLOW WITH THE GREEKS REITERATING THAT ANY DEVIATION FROM

OR EXTENSION OF THE BASIC NATO SOFA WOULD REQUIRE FULL EXPLANATION AND JUSTIFICATION BEFORE THE GREEK PARLIAMENT. HOWEVER, IT WAS AGREED THAT THE TEXT OF THE US DRAFT SOFA WOULD SERVE AS THE BASIS FOR DISCUSSION. IT WAS ALSO AGREED THAT THE RESULTS OF THE DISCUSSIONS WOULD BE REPORTED TO THE PLENARY FOR ITS CONSIDERATION, NEITHER SIDE BEING BOUND BY THAT REPORT.

3. THE TITLE AND THE PREAMBLE WERE AGREED AS FOLLOWS:

QUOTE: AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF GREECE CONCERNING THE STATUS OF UNITED STATES FORCES IN GREECE.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF GREECE, BEING PARTIES TO THE AGREEMENT BETWEEN THE PARTIES TO THE NORTH ATLANTIC TREATY REGARDING THE STATUS OF THEIR FORCES, DATED JUNE 19, 1951 (HEREIN-AFTER REFERRED TO AS THE NATO STATUS OF FORCES AGREEMENT), AND CONSIDERING THAT THE PREAMBLE THERETO PROVIDES FOR BILATERAL ARRANGMENTS SUPPLEMENTARY TO ITS TERMS, AGREE UPON THE FOLLOWING SUPPLEMENTARY ARRANGEMENTS REGARDING THE STATUS OF UNITED STATES FORCES IN GREECE. UNQUOTE.

4. ARTICLE I, PARA. 1 WAS AGREED AS FOLLOWS. QUOTE:

THE NATO STATUS OF FORCES AGREEMENT SHALL APPLY TO THE FORCES OF THE UNITED STATES, TO THE MEMBERS OF THOSE FORCES, AND MEMBERS OF THE CIVILIAN COMPONENT WHO ARE IN GREECE IN CONNECTION WITH THEIR OFFICIAL DUTIES, AS WELL AS TO THEIR DEPENDENTS. UNQUOTE.

COMMENT: THE FOREGOING IS EXPRESSELY INTENDED BY BOTH SIDES TO INCLUDE MILITARY PERSONNEL TEMPORARILY IN GREECE AS MEMBERS OF THE CREW OF A VISITING SHIP OR TRANSIENT AIRCRAFT.

5. ARTICLE I, PARA. 2 OF THE US DRAFT (MILITARY TOURISTS) COULD NOT BE AGREED. THE GREEK SIDE INSISTED THAT US MILITARY PERSONNEL, AND THEIR DEPENDENTS, ON LEAVE IN GREECE, MUST BE TOTALLY EXCLUDED FROM SOFA COVERAGE. THE US SIDE INSISTED THAT THEIR INCLUSION WAS NECESSARY FOR A VARIETY OF STATED REASONS AND WOULD BE CONSISTENT WITH THE PRACTICE PREVAILING WITHIN NATO AND ELSEWHERE. DESPITE CONFIDENTIAL

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LENGTHY DISCUSSIONS ON THIS POINT, THE TWO SIDES WERE UNABLE TO AGREE AND WILL REFER THAT MATTER TO THE PLENARY FOR RESOLUTION.

6. ARTICLE I, PARA. 3 WAS AGREED AS FOLLOWS: QUOTE:

FOR THE PURPOSE OF THIS AGREEMENT, THE TERM "DEPENDENT" SHALL ALSO INCLUDE A SIBLING, PARENT OR GRANDPARENT OF A MEMBER OF THE UNITED STATES FORCES, OR ITS CIVILIAN COM-

PONENT, OR OF THE SPOUSE OF SUCH A MEMBER WHO IS FINANCIALLY OR FOR REASONS OF HEALTH DEPENDENT UPON, AND IS SUPPORTED BY, SUCH MEMBER, WHO SHARES THE QUARTERS OCCUPIED BY SUCH MEMBER AND WHO IS PRESENT IN GREECE WITH THE CONSENT OF THE MILITARY AUTHORITIES OF THE UNITED STATES. UNQUOTE.

COMMENT: THE GREEK SIDE INITIALLY INSISTED THAT THE NATO SOFA DEFINITION OF A DEPENDENT WAS FULLY ADEQUATE. AFTER CONSIDERABLE DEBATE THE GREEK SIDE AGREED TO EXTEND THE DEFINITION TO INCLUDE SIBLINGS, PARENTS AND GRANDPARENTS. THIS REPRESENTED THE MOST INCLUSIVE DEFINITION WHICH COULD BE OBTAINED AND WHILE NOT AS BROAD AS THE TERM QUOTE CLOSE RELATIVE UNQUOTE, WAS DEEMED TO BE MINIMALLY ACCEPTABLE BY THE US SIDE.

7. ARTICLE I, PARA. 4 OF THE US DRAFT (DEFINITION OF THE CIVILIAN COMPONENT) COULD NOT BE AGREED. THE GREEK SIDE AGAIN INSISTED THAT THE NATO SOFA DEFINITION WAS ADEQUATE. THEY STATED THAT WHILE THEY ACCEPTED THE US VIEW THAT PERSONNEL NOT ORDINARILY RESIDENT IN GREECE SHOULD NOT BE DENIED CIVILIAN COMPONENT STATUS SOLELY BECAUSE OF THEIR DUAL US-GREEK NATIONALITY, THERE ARE PROBLEMS POSED UNDER THE NEW GREEK CONSTITUTION IN ACCORDING US EMPLOYEES OF GREEK NATIONALITY PRIVILEGES AND IMMUNITIES NOT AVAILABLE TO OTHER GREEK CITIZENS. THE GREEK SIDE NOTED THAT THE TERM QUOTE ORDINARILY RESIDENT UNQUOTE IS NOWHERE DEFINED AND INDICATED THAT IT MIGHT BE POSSIBLE TO SOLVE THIS PROBLEM IF A WORKABLE DEFINITION COULD BE AGREED. SUCH A SOLUTION WOULD IN THEIR VIEW HAVE TO ESTABLISH A MAXIMUM PERIOD OF RESIDENCE IN GREECE (ONE YEAR WAS SUGGESTED) PRIOR TO EMPLOYMENT BY THE US FORCES AS A MEMBER OF THE CIVILIAN COMPONENT AND WOULD HAVE TO INCLUDE A PROVISION FOR AUTOMATIC TERMINATION OF CIVILIAN COMPONENT STATUS AFTER A STATED NUMBER OF YEARS OF SUCH

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EMPLOYMENT. THE US SIDE RESPONDED THAT IT WOULD EXAMINE THIS POSSIBLE APPROACH BUT STRESSED THAT THE NATO SOFA DEFINITION OF CIVILIAN COMPONENT IS NOT ADEQUATE AND INSISTED THAT PERSONNEL SERVING WITH BUT NOT EMPLOYED BY THE US FORCES MUST BE INCLUDED. THE US SIDE ALSO STATED THAT CONTRACTOR PERSONNEL OTHERWISE ELIGIBLE

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ACTION EUR-08

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CINCUSAFE

US MISSION NATO 2284

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USDELMC

C O N F I D E N T I A L SECTION 2 OF 2 ATHENS 7166

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I.E., ACCOMPANYING, NOT ORDINARILY RESIDENT IN GREECE, NOT OF GREEK NATIONALITY) SHOULD ALSO BE INCLUDED. BEING UNABLE TO REACH AGREEMENT ON A DEFINITION OF THE CIVILIAN COMPONENT, RESOLUTION OF THIS MATTER WAS DEFERRED TO ALLOW FURTHER STUDY BY THE TWO SIDES.

8. THE GREEKS ARE UNDERSTANDABLY CONCERNED ABOUT THE DUAL NATIONAL WHO FOR ALL INTENTS AND PURPOSES HAS MADE GREECE HIS PERMANENT HOME BUT WHO CONTINUES TO ENJOY CIVILIAN COMPONENT STATUS. WE BELIEVE IT WOULD BE TO OUR ADVANTAGE TO TABLE AN ALTERNATIVE DRAFT DEFINITION PREMISED ON THE NATO SOFA (BUT ADDING PERSONNEL QUOTE SERVING WITH UNQUOTE THE US FORCES) AND INCLUDING A FORMULATION FOR RESOLVING THE QUOTE ORDINARILY RESIDENT IN GREECE UNQUOTE ISSUE. WE SUGGEST AN APPROACH ALONG THE FOLLOWING LINES: QUOTE. FOR THE PURPOSES OF THIS AGREEMENT THE TERM CIVILIAN ECOMPONENT SHALL MEAN THE CIVILIAN PERSONNEL ACCOMPANYING THE UNITED STATES FORCES WHO ARE IN THE EMPLOY OF OR
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OTHERWISE SERVING EXCLUSIVELY WITH THOSE FORCES AND WHO ARE NOT STATELESS PERSONS, NOR NATIONALS OF ANY STATE WHICH IS NOT A PARTY TO THE NORTH ATLANTIC TREATY, NOR NATIONS OF,

NOR ORDINARILY RESIDENT IN GREECE. MEMBERS OF THE CIVILIAN COMPONENT WHO ARE DUAL NATIONALS OF GREECE AND OF THE UNITED STATES AND WHO ARE NOT ORDINARILY RESIDENT IN GREECE SHALL NOT BE EXCLUDED FROM THE FOREGOING DEFINITION BY VIRTUE OF THEIR GREEK NATIONALITY. UNLESS OTHERWISE AGREED IN SPECIFIC CASES BY THE TWO GOVERNMENTS, CIVILIANS WHO HAVE RESIDED IN GREECE FOR MORE THAN TWELVE CONSECUTIVE MONTHS IMMEDIATELY PRECEEDING THEIR PROSPECTIVE EMPLOYMENT BY THE UNITED STATES FORCES SHALL BE CONSIDERED TO BE ORDINARILY RESIDENT IN GREECE, AND PERSONNEL OF DUAL NATIONALITY HAVING ONCE ATTAINED THE STATUS OF MEMBERS OF THE CIVILIAN COMPONENT SHALL BE CONSIDERED TO HAVE BECOME ORDINARILY RESIDENT IN GREECE UPON HAVING BEEN EMPLOYED BY THE UNITED STATES FORCES IN GREECE FOR A PERIOD OF FIVE CONSECUTIVE YEARS AND TO HAVE THEREBY TERMINATED SUCH STATUS. HOWEVER, UNDER NO CIRCUMSTANCES SHALL A MEMBER OF THE CIVILIAN COMPONENT BE DEEMED TO HAVE TERMINATED SUCH STATUS BY VIRTUE OF THIS PARAGRAPH PRIOR TO THE EXPIRATION OF TWO YEARS FROM THE EFFECTIVE DATE OF THIS AGREEMENT. UNQUOTE.

9. DEPARTMENT/DOD CONCURRENCE OR COMMENT WOULD BE APPRECIATED BY COB 22 SEPTEMBER.
KUBISCH

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